

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES MICHAEL RECCA,

Plaintiff,

vs.

PIGNOTTI, individual capacity;  
JOESPH RICHTER, (2019) individual capacity;  
NASS, (1886) individual capacity; and  
HANSEN, (2043) individual capacity,

Defendants.

**8:18CV556**

**MEMORANDUM AND ORDER**

This matter is before the court on two motions filed by Plaintiff (Filings 37, 38). Both motions will be denied.

First, Plaintiff renews his request for appointment of counsel. As the court has previously explained, it cannot routinely appoint counsel in civil cases. This is a relatively straightforward excessive force case, and Plaintiff has demonstrated his ability to represent himself competently. The reasons which are cited by Plaintiff for appointment of counsel are unexceptional. “[M]ost indigent prisoners will face similar challenges in bringing § 1983 claims.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018) (affirming denial of prisoner’s motion for appointment of counsel). Having once again considered the relevant factors, *see Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the court will deny Plaintiff’s request without prejudice to reassertion.

Second, Plaintiff requests leave “to add additional exhibits to the complaint of pictures of the injuries sustained.” Such filing would not serve any purpose, because the exhibits concern injuries which are already described in the complaint. That is to say, the court does not understand Plaintiff to be seeking leave to amend his complaint in order to assert some new claim. Simply placing exhibits “in the record” does not give them any independent evidentiary value. The denial of Plaintiff’s request will not preclude him from offering these exhibits as evidence (subject to proper authentication), either at trial or in support of or in opposition to some future motion.

**IT IS THEREFORE ORDERED:**

1. Plaintiff’s renewed request for appointment of counsel (Filing 37) is denied without prejudice to reassertion.

2. Plaintiff's request to add exhibits to his complaint (Filing 38) is denied.

Dated this 27th day of January, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge